

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TONYA DOUGLAS,

*Plaintiff,*

v.

FAMILY DOLLAR STORES OF TEXAS,  
LLC,  
*Defendant.*

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CIVIL ACTION NO.4:20-cv-4122  
JURY TRIAL DEMANDED

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**DEFENDANT FAMILY DOLLAR STORES OF TEXAS, LLC'S  
NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. § 1441, Federal Rule of Civil Procedure 81, and Local Rule 81, Defendant FAMILY DOLLAR STORES OF TEXAS, LLC (hereinafter referred to as "FAMILY DOLLAR") hereby removes to this Court, the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), FAMILY DOLLAR sets forth the following "short and plain statement of the grounds for removal."

**A. THE REMOVED CASE**

1. The removed case is a civil action filed with the 270th District Court, Harris County, Texas, on November 5, 2020, styled *Tonya Douglas v. Family Dollar Stores of Texas, LLC*; Cause No. 2020-71257 (the "State Court Action"). The case arises from an alleged injury sustained by Plaintiff, Tonya Douglas, on or about April 18, 2020 while in FAMILY DOLLAR'S store located in Houston, Harris County, Texas.

**B. DOCUMENTS FROM REMOVED ACTION**

2. Pursuant to Local Rule 81 and 28 U.S.C. 1446(a), FAMILY DOLLAR attaches the following documents to this Notice of Removal as Exhibit "A":
- i. All executed service of process;
  - ii. Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings;
  - iii. The docket sheet;
  - iv. Index of matters being filed; and
  - v. A list of all counsel of record, including addresses, telephone numbers and parties presented.

**C. REMOVAL PROCEDURE**

3. Except as otherwise expressly provided by Act of Congress, any civil action brought in a State Court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where the action is pending. 28 U.S.C. § 1441. The Houston Division of the Southern District Court of Texas is the United States district and division embracing Harris County, Texas, the county in which the State Court Action is pending.

4. FAMILY DOLLAR was served with a copy of Plaintiff's Original Petition, ("Petition") on November 10, 2020, through its registered agent. Therefore, this Notice of Removal is filed within the time limits specified in 28 U.S.C. § 1446(b).

5. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders in the State Court Action as of the date of this pleading are attached hereto as *Exhibit "A"* and incorporated herein for all purposes.

6. FAMILY DOLLAR will promptly give all parties written notice of the filing of this Notice of Removal and will promptly file a copy of this Notice of Removal with the 270th Judicial District Court, Harris County Texas, where the action is currently pending.

**D. VENUE IS PROPER**

7. The United States District Court for the Southern District of Texas is the proper venue for removal of the state court action pursuant to 28 U.S.C. § 1441(a) because the 270th Judicial District Court, Harris County Texas is located within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division.

**E. COMPLETE DIVERSITY OF CITIZENSHIP EXISTS**

8. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

9. As admitted in her Petition, Plaintiff is resident citizen of Harris County, Texas.<sup>1</sup>

10. Defendant FAMILY DOLLAR is a foreign limited liability company organized and existing under the laws of the Commonwealth of Virginia. As a limited liability company, FAMILY DOLLAR is comprised of one member entity: Family Dollar Stores of Ohio, Inc., which has a one-hundred percent (100%) interest in FAMILY DOLLAR.

11. Because Plaintiff is a resident of the State of Texas and Defendant FAMILY DOLLAR is not, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

**F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED**

12. Plaintiff alleges in her Original Petition that she seeks damages over \$200,000 but less than \$1,000,000.<sup>2</sup> Plaintiff also seeks to recover damages against FAMILY DOLLAR for: (a) past and future medical expenses; (b) past and future mental anguish; (c) past and future physical impairment; (d) past and future physical disfigurement; (e) loss of earnings and loss of earning capacity; and (f) loss of ability to perform household services.<sup>3</sup>

13. Therefore, based on all of the aforementioned facts, the State Court Action may be removed to this Court by FAMILY DOLLAR in accordance with the provisions of

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<sup>1</sup> See Pl. Original Petition at ¶ 2.

<sup>2</sup> Pl. Original Petition at ¶ 11.

<sup>3</sup> *Id.* at ¶ 10.

28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy exceeds \$ 75,000 exclusive of interest and costs.

**G. FILING OF REMOVAL PAPERS**

14. Pursuant to 28 U.S.C. § 1446(d), FAMILY DOLLAR is providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice with the Clerk of the 270th Judicial District Court, Harris County Texas, in which this action was originally commenced.

**H. CONCLUSION**

15. Defendant, FAMILY DOLLAR STORES OF TEXAS, LLC, hereby removes the above-captioned action from the 270th Judicial District Court, Harris County Texas, and requests that further proceedings be conducted in the United States District Court for the Southern District of Texas, Houston Division, as provided by law.

Respectfully submitted,

**MAYER LLP**

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**ATTORNEYS FOR DEFENDANT  
FAMILY DOLLAR STORES OF TEXAS, LLC**

**CERTIFICATE OF SERVICE**

This is to certify that on the 3<sup>rd</sup> day of December 2020, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

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